



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

DONALD L. WOLFE, Director

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **WM-7**

January 9, 2007

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**SANTA MONICA BAY BACTERIA TOTAL MAXIMUM DAILY LOAD  
AMENDMENT 2 TO MEMORANDUM OF AGREEMENT  
JURISDICTIONAL GROUPS 5 AND 6  
SUPERVISORIAL DISTRICT 4  
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY  
OF THE COUNTY OF LOS ANGELES AND AS THE GOVERNING BODY OF THE  
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Find that the enclosed Amendment 2 to Memorandum of Agreement (MOA) 015843 is exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15262 of the State CEQA guidelines.
2. Approve and instruct the Chairman to execute the enclosed Amendment 2 to MOA 015843 with the California Department of Transportation and the Cities of Redondo Beach, Manhattan Beach, Torrance, Hermosa Beach, and El Segundo to modify the work and increase the total monetary contribution of all responsible Jurisdictional Groups 5 and 6 agencies in the MOA.

3. Authorize the Flood Control District to expend \$935 for the preparation of a Supplemental Report, which is required by the Los Angeles Regional Water Quality Control Board (Regional Board).

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On December 12, 2002, the Regional Board adopted the Santa Monica Bay Beaches Bacteria Wet Weather Total Maximum Daily Load, which divided the Santa Monica Bay into nine jurisdictional groups and assigned lead agencies to each jurisdiction. Two out of these nine jurisdictional groups are Jurisdictional Groups 5 and 6 (J5 and 6).

Jurisdictional Group 5 (J5) agencies are: (1) Manhattan Beach (lead agency), (2) El Segundo, (3) Hermosa Beach, (4) County of Los Angeles, and (5) California Department of Transportation. Jurisdictional Group 6 (J6) agencies are: (1) Redondo Beach (lead agency), (2) Hermosa Beach, (3) Manhattan Beach, (4) Torrance, (5) County of Los Angeles, and (6) California Department of Transportation. Due to the overlap in responsibilities and the similarity in land uses, both of these jurisdictions decided to submit a joint implementation plan to the Regional Board by July 15, 2005, and to share the cost of developing the plan.

On November 9, 2004, your Board authorized the Chairman of the Board to execute MOA 015843 with the J5 and 6 agencies for the development of the implementation plan.

On April 6, 2006, the Regional Board held a public hearing wherein they provided comments on the implementation plan submitted and adopted Resolution 2006-007, enclosed as Exhibit B, which requires the responsible agencies within J5 and 6 to submit a Supplemental Report to the Regional Board by January 6, 2007. The report is to quantify proposed activities in the implementation plan through an analysis of how these activities ensure that the Santa Monica Bay Beaches Bacteria Wet Weather Total Maximum Daily Load compliance milestone dates are met and the plan demonstrates integrated water resources and water quality benefits. The parties within both responsible jurisdictions need to work together cooperatively in order to complete the report within the next few months.

The purpose of MOA 015843 was for the J5 and 6 agencies to share the cost of developing a joint implementation plan. The total monetary contribution for this plan was \$185,000. The MOA was set to terminate on July 1, 2006, and was extended to July 1, 2008, by Amendment 1 to the MOA through a Board letter adopted on July 5, 2006. Amendment 2 increases the total monetary contribution of the Agreement

from \$185,000 to \$229,000 to allow the responsible agencies to prepare the Supplemental Report. The County's share of this cost increase is \$935, which is based on jurisdictional area.

### **Implementation of Strategic Plan Goals**

This action meets the County Strategic Plan Goal of Fiscal Responsibility by developing a partnership to effectively manage our resources. It also satisfies the Goal of Organizational Effectiveness due to cross-jurisdictional collaboration.

### **FISCAL IMPACT/FINANCING**

The County's total cost share to participate in the preparation of this Supplemental Report is \$935, which is equivalent to 2.125 percent of the estimated cost to prepare the report. Sufficient funds are available in the Fiscal Year 2006-07 Flood Control District Budget.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The enclosed MOA Amendment 2 has been reviewed and approved as to form by County Counsel.

### **ENVIRONMENTAL DOCUMENTATION**

Execution of the enclosed MOA Amendment 2 is statutorily exempt under the provisions of the CEQA guidelines. Any future project, as a result of this Amendment, that may be proposed for construction or implementation will undergo the appropriate environmental review.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Approval of this MOA Amendment 2 will have no adverse impact on the current level of services provided by the District or the County.

The Honorable Board of Supervisors  
January 9, 2007  
Page 4

**CONCLUSION**

Please return 3 adopted Board letters and 23 executed original MOA Amendments to Public Works.

Respectfully submitted,

DONALD L. WOLFE  
Director of Public Works

LA:ad

P:\wmpub\Secretarial\Board Letters\J5&6 Board Letter-Amend#2(9-14-06).doc\C06467

Enc.

cc: Chief Administrative Office  
County Counsel

07-LA-1-PM 17.4/23.49  
Santa Monica Bay Beaches Bacteria  
TMDL Implementation Plan Development  
Groups 5 and 6  
District Agreement No. 07-4705/A2  
EA 910204

**AMENDMENT NO. 2 TO  
MEMORANDUM OF AGREEMENT**

**SANTA MONICA BAY BEACHES BACTERIA TMDL  
IMPLEMENTATION PLAN DEVELOPMENT  
JURISDICTIONAL GROUPS FIVE AND SIX**

This is Amendment No. 2 to the Memorandum of Agreement ("MOA") effective July 1, 2004, entered into by and among the City of Redondo Beach ("Redondo Beach"), a chartered municipal corporation; the City of Manhattan Beach ("Manhattan Beach"), a general law city; the City of Torrance ("Torrance"), a municipal corporation; the City of Hermosa Beach ("Hermosa Beach"), a body corporate and politic; the City of El Segundo (El Segundo), a general law city; the County of Los Angeles ("County"), a political subdivision of the State of California and the California Department of Transportation ("Caltrans") (individually "Party" and collectively, "Parties"). A fully executed copy of the MOA is attached hereto as Exhibit A. This Amendment No. 2 modifies the MOA with respect to the following:

## **RECITALS**

**A. WHEREAS**, on July 15, 2005, the Parties submitted the Implementation Plan to the Regional Water Quality Control Board, Los Angeles Region (RWQCB); and

**B. WHEREAS**, on April 6, 2006, the RWQCB held a public hearing and adopted Resolution No. 2006-007, a copy is attached hereto as Exhibit B, which requires the responsible agencies within Jurisdictional Groups 5 & 6 to submit a report to the RWQCB by January 6, 2007. The report will contain information specified in said resolution that will support the schedule as delineated in the Implementation Plan; and

**C. WHEREAS**, the Parties of both responsible jurisdictions in either Jurisdictional Group 5 or 6 need to work together cooperatively in order to complete the report described in Paragraph B above within the allotted 9 months; and

**D. WHEREAS**, the MOA termination date was extended to July 1, 2008, by Amendment No. 1 executed on July 28, 2006; and

**E. WHEREAS**, the Parties need to modify the "Work" and the monetary contribution of all of the Parties.

**NOW, THEREFORE**, in consideration of the mutual benefits and representations made herein, the Parties hereby agree as follows:

## **AMENDMENT TO MEMORANDUM OF AGREEMENT**

1. Article I, Section 1 of the MOA is modified as follows:

"1. Purpose of MOA – The Parties voluntarily enter this MOA to cooperatively and voluntarily devise and jointly fund: 1) an

implementation plan that is consistent with the provisions of the Bacteria TMDL and which shall include the development and submittal of an Implementation Plan, with any incidental documentation necessary to achieve the goals consistent with the Bacteria TMDL and 2) prepare a report as required by RWQCB Resolution No. 2006-007. The activities described in this Article I, Section 1, shall be referred to hereinafter as the 'Work.'"

2. Article II, Section 8 of the MOA is modified as follows:

"8. Minutes – The Chair may select a secretary to draft and distribute written minutes of all Work and Special Meetings to the Party Representatives at the addresses designated below within five (5) work days after each Work or Special Meeting."

3. Article III, Section 1 of the MOA is modified as follows:

"1. Funding Agreements – Any funds contributed for the Work, including contributions for consultants or other services as agreed upon by the Parties, shall be calculated using the cost-sharing formula described in Exhibit B. All funding shall apply to the Work, and shall not be used to implement any recommendation contained in the Implementation Plan or the report, as required by RWQCB Resolution No. 2006-07. The total contribution by all of the Parties shall not exceed \$229,000 unless otherwise agreed to by the Parties by written amendment of this MOA. Caltrans funding encumbered under this MOA is evidenced by the signature of its

District Budget Manager certifying as to funds in the maximum sum of \$1,866 having been allocated and encumbered to pay Caltrans share of the Work costs. Any cost to be invoiced above this sum will require an amendment to this MOA.”

4. Existing Exhibit B – Cost Sharing Formula table of the MOA is modified as follows:

Jurisdiction	Tributary Area (acres)	Contribution Percentage	Original Maximum Contribution Amount	Change in the Maximum Contribution Amount	Modified Maximum Contribution Amount
Manhattan Beach	2023	24.991%	\$46,233	\$10,996	\$57,229
Hermosa Beach	901	11.130%	\$20,591	\$4,897	\$25,488
Redondo Beach	2623	32.403%	\$59,946	\$14,257	\$74,203
Torrance	2289	28.277%	\$52,312	\$12,443	\$64,755
El Segundo	21	0.259%	\$479	\$114	\$593
County of Los Angeles	172	2.125%	\$3,931	\$935	\$4,866
Caltrans	66	0.815%	\$1,508	\$358	\$1,866
Total	8095	100.000%	\$185,000	\$44,000	\$229,000

5. All other terms or conditions of the MOA shall remain in full force and affect and are not modified by the Amendment No. 2.



**IN WITNESS WHEREOF**, the Parties hereto agree to sign this Amendment No. 2 to Memorandum of Agreement on the date afterwards indicated.

**City of Manhattan Beach**

By: \_\_\_\_\_  
Geoff Dolan, City Manager

Date: \_\_\_\_\_

Attest:

Approved as to Form:

By: \_\_\_\_\_  
Liza Tamura, City Clerk

By: \_\_\_\_\_  
Robert V. Wadden, City Attorney

Mailing Address: City of Manhattan Beach  
Public Works Department  
3621 Bell Ave.  
Manhattan Beach, CA 90266

**City of Hermosa Beach**

By: \_\_\_\_\_  
Sam Edgerton, Mayor

Date: \_\_\_\_\_

Attest:

Approved as to Form:

By: \_\_\_\_\_  
Elaine Doerfling, City Clerk

By: \_\_\_\_\_  
Michael Jenkins, City Attorney

Mailing Address: City of Hermosa Beach  
1315 Valley Dr  
Hermosa Beach, CA 90254

**City of Redondo Beach  
a Chartered Municipal Corporation**

By: \_\_\_\_\_  
Mike Gin, Mayor

Date: \_\_\_\_\_

Attest:

Approved as to Form:

By: \_\_\_\_\_  
Sandy Forrest, City Clerk

By: \_\_\_\_\_  
Michael W. Webb, City Attorney

Mailing Address: City of Redondo Beach  
Engineering and Building Services Department  
415 Diamond Street  
Redondo Beach, CA 90277

**City of Torrance  
a Municipal Corporation**

By: \_\_\_\_\_  
Frank Scotto, Mayor

Date: \_\_\_\_\_

Attest:

Approved as to Form:

By: \_\_\_\_\_  
Sue Herbers, City Clerk

By: \_\_\_\_\_  
John L. Fellows, City Attorney

Mailing Address: City of Torrance  
Public Works Department – Engineering Division  
20500 Madrona  
Torrance, CA 90503

**City of El Segundo  
a General Law City**

By: \_\_\_\_\_  
Jeff Stewart, City Manager

Date: \_\_\_\_\_

Attest:

Approved as to Form:  
Mark D. Hensley, City Attorney

By: \_\_\_\_\_  
Cindy Mortesen, City Clerk

By: \_\_\_\_\_  
Karl H. Berger, Assistant City Attorney

Mailing Address: City of El Segundo  
Public Works Department  
350 Main Street  
El Segundo, CA 90245

**COUNTY OF LOS ANGELES Acting on behalf of itself and the LOS ANGELES  
COUNTY FLOOD CONTROL DISTRICT**

By: \_\_\_\_\_

Zev Yaroslavsky

Chairman, Board of Supervisors of the County of Los Angeles

Date: \_\_\_\_\_

Attest:

SACHI A. HAMAI

Executive Office of the  
Board of Supervisors of  
the County of Los Angeles

Approved as to Form:

RAYMOND G. FORTNER, Jr.  
County Counsel

By: \_\_\_\_\_

Deputy

By: \_\_\_\_\_

Deputy

Mailing Address: Los Angeles County  
Department of Public Works  
Watershed Management Division,  
11th Floor  
900 South Fremont Avenue  
Alhambra, CA 91803

**STATE OF CALIFORNIA  
Department of Transportation**

**Will Kempton  
Director of Transportation**

By: \_\_\_\_\_  
Douglas R. Failing  
District Director

Date: \_\_\_\_\_

Approved as to Form & procedure:

Certify as to funds:

By: \_\_\_\_\_  
William B. Bassett  
Attorney

By: \_\_\_\_\_  
District Budget Manager

Certify as to Financial Terms and Conditions:

By: \_\_\_\_\_  
Accounting Administrator

Address: California Department of Transportation  
District 07  
100 South Main Street, Suite 100, MS 13  
Los Angeles, California 90012  
Attention: Bob Wu

## **Exhibit A**

### **Copy of Memorandum of Agreement**

Santa Monica Bacteria TMDL  
Jurisdictional Groups 5 and 6  
Implementation Plan Implementation  
Amendment to Memorandum of Agreement

**Exhibit B**

**Copy of RWQCB Resolution No. 2006-007**

Santa Monica Bacteria TMDL  
Jurisdictional Groups 5 and 6  
Implementation Plan Implementation  
Amendment to Memorandum of Agreement